Case 10-80444-TLS Doc 1 Filed 02/19/10 Entered 02/19/10 11:58:12 Desc Main 2/19/10 11:54AM Document Page 1 of 15

United States Bankruptcy Court District of Nebraska					Voluntary Petition		
Name of Debtor (if individual, enter Last, First, Middle):  Lund, Mark T				Name of Joint Debtor (Spouse) (Last, First, Middle): Nigrin, Chrisann M			
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):				All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):			
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)				Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)			
xxx-xx-1363 Street Address of Debtor (No. and Street, City, and State): 3107 N. 58th Street Omaha, NE				xxx-xx-4917 Street Address of Joint Debtor (No. and Street, City, and State): 3107 N. 58th Street Omaha, NE			
County of Residence or of the Principal Place of <b>Douglas</b>	Business:	68104		y of Reside	ence or of the F	Principal Pla	dece of Business:
Mailing Address of Debtor (if different from stre	et address):				of Joint Debto	r (if differe	nt from street address):
		ZIP Code	:				ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):							
Type of Debtor  (Form of Organization) (Check one box)  Individual (includes Joint Debtors) See Exhibit D on page 2 of this form.  □ Corporation (includes LLC and LLP) □ Partnership □ Other (If debtor is not one of the above entities, check this box and state type of entity below.)  Tax-Exempt Entity (Check box, if applicable) □ Debtor is a tax-exempt organizunder Title 26 of the United St Code (the Internal Revenue Code			e) anization d States	Chapter 11  Chapter 12  Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding  Nature of Debts (Check one box)  Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as business debts.  "incurred by an individual primarily for			
Filing Fee (Check one box)  ■ Full Filing Fee attached  □ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.  □ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.				Check one box: Chapter 11 Debtors  Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).  Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).  Check if:  Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.  Check all applicable boxes:  A plan is being filed with this petition.  Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).			
Statistical/Administrative Information  ☐ Debtor estimates that funds will be available  ☐ Debtor estimates that, after any exempt proper there will be no funds available for distribution	erty is excluded a	nd administrat					SPACE IS FOR COURT USE ONLY
1- 50- 100- 200-	1,000- 5,000 5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000		
\$0 to \$50,001 to \$100,001 to \$500,001 \$ \$50,000 \$100,000 \$500,000 to \$1 t million r	1,000,001 \$10,000, \$10 to \$50 million	001 \$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion			
\$0 to \$50,001 to \$100,001 to \$500,001 \$ \$50,000 \$100,000 \$500,000 to \$1 t	\$1,000,001 \$10,000,000 to \$50 million million	001 \$50,000,001 to \$100	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion			

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B1 (Official Form 1)(1/08) Name of Debtor(s): **Voluntary Petition** Lund, Mark T (This page must be completed and filed in every case) Nigrin, Chrisann M All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Location Case Number: Date Filed: Where Filed: - None -Location Case Number: Date Filed: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Debtor(s) (Date) Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ■ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

B1 (Official Form 1)(1/08)

## Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

Lund, Mark T

Nigrin, Chrisann M

### Signatures

# Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

Iff petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

### X /s/ Mark T Lund

Signature of Debtor Mark T Lund

### X /s/ Chrisann M Nigrin

Signature of Joint Debtor Chrisann M Nigrin

Telephone Number (If not represented by attorney)

### February 19, 2010

Date

### Signature of Attorney\*

### X /s/ Henry N. Carriger

Signature of Attorney for Debtor(s)

#### Henry N. Carriger 18456

Printed Name of Attorney for Debtor(s)

### John Turco Law Offices

Firm Name

2580 South 90th St. Omaha, NE 68124

Address

# Email: jturco@johnturcolaw.com (402) 933-8600 Fax: (402) 934-2848

Telephone Number

### February 19, 2010

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

#### Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

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7	١
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Signature of Foreign Representative

Printed Name of Foreign Representative

Date

### Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

•	

Date

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

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B 1D (Official Form 1, Exhibit D) (12/09)

### **United States Bankruptcy Court District of Nebraska**

In re	Mark T Lund Chrisann M Nigrin		Case No.	
		Debtor(s)	Chapter	7

### EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

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B 1D (Official Form 1, Exhibit D) (12/09) - Cont. Page 2 □ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.] □ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.); □ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.); ☐ Active military duty in a military combat zone. □ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district. I certify under penalty of perjury that the information provided above is true and correct. Signature of Debtor: /s/ Mark T Lund Mark T Lund February 19, 2010 Date:

2/19/10 11:54AM

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B 1D (Official Form 1, Exhibit D) (12/09)

### United States Bankruptcy Court District of Nebraska

In re	Mark T Lund Chrisann M Nigrin		Case No.	Case No.	
		Debtor(s)	Chapter	7	

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] \_\_\_\_

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

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□ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.] □ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.); □ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.); ☐ Active military duty in a military combat zone. □ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district. I certify under penalty of perjury that the information provided above is true and correct. Signature of Debtor: /s/ Chrisann M Nigrin Chrisann M Nigrin February 19, 2010 Date:

B 1D (Official Form 1, Exhibit D) (12/09) - Cont.

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# United States Bankruptcy Court District of Nebraska

In re	Mark T Lund Chrisann M Nigrin		Case No.	
		Debtor(s)	Chapter	7
The abo		TCATION OF CREDITOR Is the attached list of creditors is true and co		of their knowledge.
Date:	February 19, 2010	/s/ Mark T Lund		
		Mark T Lund		
		Signature of Debtor		
Date:	February 19, 2010	/s/ Chrisann M Nigrin		
		Chrisann M Nigrin		

Signature of Debtor

Accredited Collection Services Inc PO Box 27238 Omaha, NE 68127

ADT Security Services, Inc. PO Box 551200 Jacksonville, FL 32255

Alegent Health (Immanuel) Immanuel Medical Center 2301 N 117th Ave Suite 100 Omaha, NE 68164-3483

Alegent Health Immanuel Med Center 8901 Dodge Street Omaha, NE 68114

Allied National Inc. 440 Regency Pkwy., Suite 134 Omaha, NE 68114

Arrow Financial Services LLC 5996 W Touhy Ave. Niles, IL 60714

Bank Of America PO Box 981814 El Paso, TX 79998-1814

Bank Of America PO Box 17054 Wilmington, DE 19850

Bank of America FIA Card Services PO Box 17295 Wilmington, DE 19850-7295

Bank of America PO Box 15026 Wilmington, DE 19850-5026

Bank of America PO Box 15184 Wilmington, DE 19850-5184 Benson Printing Copy 6102 Maple Street Omaha, NE 68104

Cach LLC Attention: Bankruptcy Department 4340 South Monaco St. 2nd Floor Denver, CO 80237

Capital Management Services, LP 726 Exchange Street, Suite 700 Buffalo, NY 14210

Chase PO Box 15298 Wilmington, DE 19850

Citibank SD, NA/ Shell PO Box 6500 Sioux Falls, SD 57117

Dale s Trash Service, Inc. 19212 Military Road Bennington, NE 68007

Daniel L. Johnson, Attorney Seville Square II 14710 W. Dodge Road, Ste. 205 Omaha, NE 68154

Delores J. Lund 3313 S. 107th Street Omaha, NE 68124

Dennis P. Lee, Attorney PO Box 45947 Omaha, NE 68145

Discover Financial Services LLC PO Box 15316 Wilmington, DE 19850

Douglas County Attorney 428 Hall of Justice Omaha, NE 68183

Douglas County Treasurer 909 Civic Center 1819 Farnam Street Omaha, NE 68183-0003

Euler Hermes UMA 600 South 7th Street Louisville, KY 40201-1672

Fannie Mae PO Box 650043 Dallas, TX 75265

Financial Recovery Services, Inc PO Box 385908 Minneapolis, MN 55438-5908

GEMB/Cost Plus World Market PO Box 981439 El Paso, TX 79998

GEMB/Lowes PC PO Box 981416 El Paso, TX 79998

GEMB/Sams Club Attention: Bankruptcy Department PO Box 105968 Atlanta, GA 30353

Goldner Cooper Cotton Sundell Frankel 8901 West Dodge Rd Ste 210 Omaha, NE 68114

Great Southern Bank 1902 Harlan Drive Bellevue, NE 68005

Greater Omaha Refrigeration 3313 North 88th Plaza Omaha, NE 68134

Grunwald Mechanical Contractor PO Box 24467 Omaha, NE 68124 Internal Revenue Service PO Box 21126 Philadelphia, PA 19114

Internal Revenue Service STOP 5300 1616 Capitol Ave. Omaha, NE 68102

J.C. Christensen and Associates Inc. PO Box 519 Sauk Rapids, MN 56379

Jennifer J. Taylor, Attorney 8712 W. Dodge Road, Suite 400 Omaha, NE 68114

Law Offices Fullenkamp, Doyle Jobeun 11440 West Center Road Omaha, NE 68144-4482

Law Offices of Weltman, Weinberg Reis 175 S. 3rd Street, Suite 900 Columbus, OH 43215-5166

Lee Law Offices, PC, LLO 4610 S. 133rd Street, Suite 103 Omaha, NE 68137

Lowe s Project Card PO Box 981064 El Paso, TX 79998-1064

Lowes / MBGA Attention: Bankruptcy Department PO Box 103104 Roswell, GA 30076

LVNV Funding LLC PO Box 740281 Houston, TX 77274

Macys/FDSB Macy s Bankruptcy PO Box 8053 Mason, OH 45040

Mia s Bongo Room 6113 Maple Street Omaha, NE 68104

NCO Financial Systems, Inc 507 Prudential Road Horsham, PA 19044

Nebraska Department of Revenue PO Box 98934 Lincoln, NE 68509-8934

Nebraska Furniture Mart Attn: Legal Dept 700 S 72nd Street Omaha, NE 68103

Niagara Credit Solutions, Inc. 420 Lawrence Bell Drive, Ste 2 Williamsville, NY 14221-7820

Northland Group, Inc. 7831 Glenroy Road, Suite 350 Edina, MN 55439-3108

Omaha Magazine, LTD PO Box 461208 Papillion, NE 68046-1208

Omaha World Herald 1314 Douglas St Ste 650 Omaha, NE 68102

Pegler Sysco Food Services, Co. 1700 Center Park Road Lincoln, NE 68512

Plaza Associates PO Box 18008 Hauppauge, NY 11788 Professional Bureau of Collections, Inc. PO Box 628 Elk Grove, CA 95759-0628

Republic Natl Distributing Co - Eagle 4320 S. 94th Street Omaha, NE 68127

Republic Natl Distributing Co - Falcon 4444 S. 94th Street Omaha, NE 68127

Resurgent Capital Services LP 5440 N. Cumberland Ave, Suite 300 Chicago, IL 60611

Richard A. Drews, Esq. Taylor, Peters, Drews Omaha Tower, Suite 640 2120 South 72nd Street Omaha, NE 68124

RNB / Marshall Fields PO Box 9475 Minneapolis, MN 55440

Rybin Plumbing Heating Co. 1822 Vinton Street Omaha, NE 68108

Sam s Club PO Box 10306 Roswell, GA 30076

Sara E. Miller, Attorney 4885 S. 118th Street, Suite 100 Omaha, NE 68137

Schaefer Electric, Inc. 2927 N. 84th Street Omaha, NE 68134

Security National Bank PO Box 31400 Omaha, NE 68131

SOS Heating, Cooling Electrical 8314 Maple Street Omaha, NE 68134

TierOne Bank 1235 N Street Lincoln, NE 68508

Tierone Bank 1235 N St Lincoln, NE 68508

Transworld Systems, Inc Collection Agency 5799 Broadmoor St 312 Mission, KS 66202

TRS Recovery Services 5251 Westheimer Houston, TX 77056

US Attorney s Office 1620 Dodge St. 1400 Omaha, NE 68102

Victoria s Secret PO Box 182124 Columbus, OH 43218

Wells Fargo PO Box 60510 Los Angeles, CA 90060